

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 30TH MAY 2007 / 9TH JYAISHTA 1929

Crl.MC.No. 1736 of 2007()

CRIME NO.52/2007 OF PANDIKKAD POLICE STATION
.....

PETITIONERS/ACCUSED & DEFACTO COMPLAINANT:

1. SANTHOSH KUMAR, S/O.PARVATHI AMMA,
MAVELI KIZHAKKETHIL HOUSE, CHEMBRASERRY,
MALAPPURAM DISTRICT.
2. LATHIKA P.S., W/O.SANTHOSH KUMAR,
MAVELI KIZHAKKETHIL HOUSE,
CHEMBRASERRY, MALAPPURAM DISTRICT.

BY ADV. SRI.BABU S. NAIR

RESPONDEN/STATE:

THE STATE OF KERALA REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
PANDIKKAD POLICE STATION - THROUGH
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM, KOCHI-31.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION
ON 30/05/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J.

Crl.M.C.No.1736 of 2007

Dated this the 30th day of May 2007

O R D E R

The petitioners are spouses and they are the accused and defacto complainant respectively in a prosecution interalia under Section 498A I.P.C. They have come together before this court with a prayer that the prosecution initiated against the petitioner may be quashed. The spouses having settled their disputes and having resumed harmonious co-habitation. The same counsel appears for both of them. He has produced before the court an authorised affidavit as Annexure C which confirms the settlement of the dispute between the parties and the resumption of co-habitation by them. I am satisfied from the averments in the Criminal Miscellaneous Case and from the submissions made at the bar and in the light of Annexure C that the parties have settled their disputes thoroughly and amicably and they have resumed co-habitation. If legally permissible, I am satisfied that the submissions about the settlement can be accepted and the case against the petitioner brought to premature termination.

2. But the offence under Section 498A is not compoundable. But the counsel rightly relies on the decision in B.S.Joshi vs. State of Haryana [AIR 2003 SC 1386]. That decision is authority for the proposition that the interests of justice may, at times, transcend the interests of mere law and in such circumstances the stipulations of Section 320 Cr.P.C cannot fetter the sweep, width and amplitude of the jurisdiction of this court under Section 482 Cr.P.C. I am satisfied, in these circumstances, that the proceedings against the first petitioner initiated by the second petitioner can now be brought to premature termination.

3. In the result, this petition is allowed. Crime No.52/07 of Pandikkad police station is hereby quashed.

(R.BASANT, JUDGE)

jsr

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007